

REMARKS

[0010] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-39 are currently pending
- Claim 33 is canceled herein
- No claims are withdrawn herein
- Claims 1, 4, 6, 10, 13, 16, 30-32, 34 and 39 are amended herein
- No new claims are added herein

[0011] Support for the amendments to claims 1, 6, 10, 13, 16, 30-32, 34 and 39 is found in the specification at least at paragraphs [0004], [0005], [0045], [0046], [0052] and [0057].

Cited Documents

[0012] The following documents have been applied to reject one or more claims of the Application:

- **Broadus:** **Broadus**, U.S. Patent Application Publication No. **20020144264**
- **Grooters:** **Grooters**, U.S. Patent No. **6,684,399**

Broadus Fails to Anticipate Claims 1-26 and 28-39

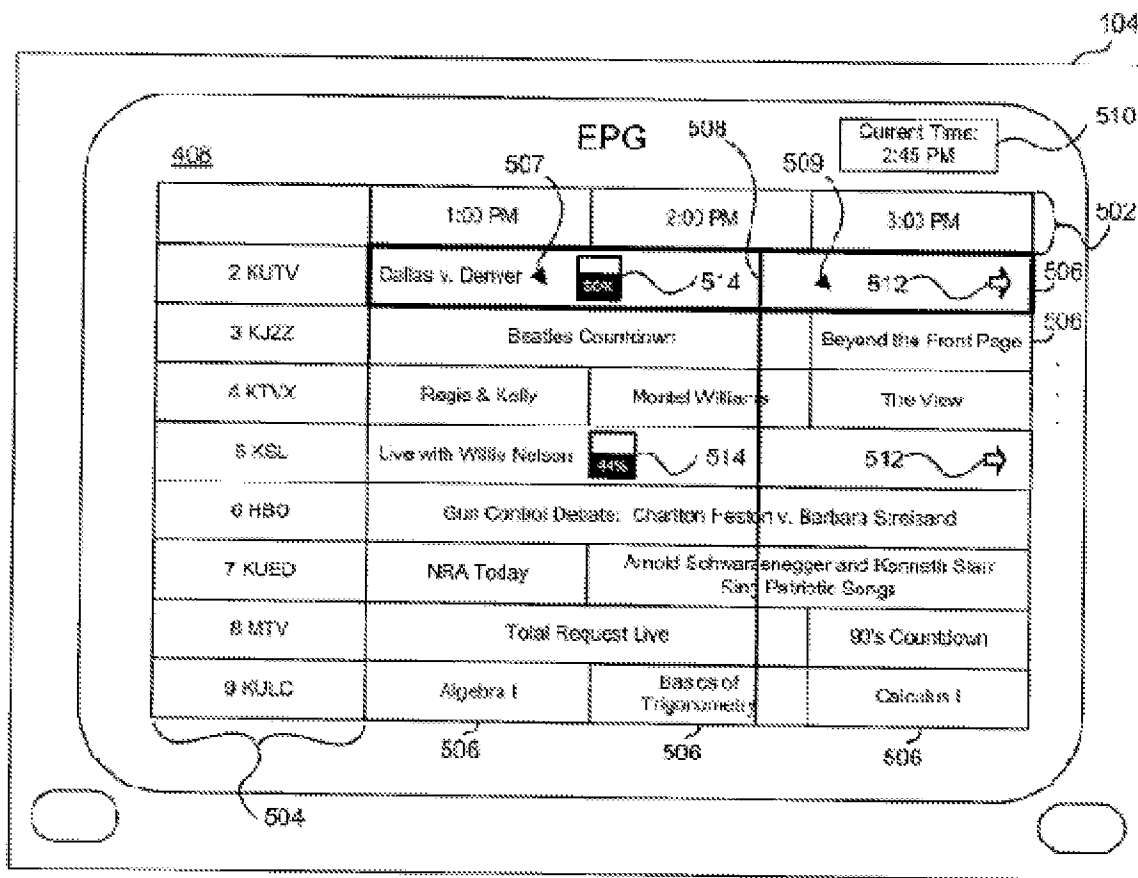
[0013] Claims 1-26 and 28-39 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Broadus. Applicant respectfully traverses the rejection.

Amended Independent Claim 1

[0014] In light of the amendments presented herein, Applicant submits that the rejection of independent claim 1 is moot. Specifically, Broadus does not disclose at least the following features as recited in this claim (in part, with emphasis added):

“a plurality of representations of content items, each said representation comprising one or more image frames taken from a corresponding said content item”

[0015] Claim 1 recites in part, “each said representation comprising one or more image frames taken from a corresponding said content item”. Note that the Examiner has not cited Broadus for this newly amended feature. However, regarding the claimed, “plurality of representations of content items”, the Office cites Broadus, Fig. 5 and ¶ [0062] as disclosing this element (Action, page 2). Broadus, Fig. 5 and ¶ [0062] are shown here for convenience:



[0062] FIG. 5 illustrates one configuration of an EPG 408 according to an embodiment of the invention. As depicted, the EPG 408 may be embodied in a standard grid configuration including a time axis 502 (corresponding to a plurality of time slots) and a provider axis 504 (corresponding to a plurality of media providers). Within the grid are displayed a plurality of elements 506 representing media programs, e.g., television programs, radio programs, streaming audio programs, or streaming video programs. Each element 506 is preferably aligned with the time axis 502 of the EPG 408 and is preferably proportional in length to the running time of the corresponding program.

[0016] For example, Broadus does not disclose or describe “each said representation comprising one or more image frames taken from a corresponding said content item” as recited in this claim, as amended, because as shown above, Broadus merely describes a grid that displays elements representing media programs. Broadus does not disclose or describe that these elements are “a plurality of representations of content items ...

comprising ... image frames *taken from a corresponding ... content item*” as recited in this claim, as amended.

[0017] Consequently, Broadus does not disclose all of the elements and features of this claim. Accordingly, Applicant submits that Broadus does not anticipate this claim, and respectfully requests that the rejection of this claim be withdrawn.

Amended Independent Claim 10

[0018] In light of the amendments presented herein, Applicant submits that the rejection of independent claim 10 is moot. Specifically, Broadus does not disclose at least the following features as recited in this claim (in part, with emphasis added):

“the EPG includes a representation for each said content item, *each said representation comprising one or more image frames taken from a corresponding said content item*”

[0019] Claim 10 has been rejected on substantially the same basis as claim 1 (Action, p. 2). Without needlessly repeating the reasons presented above in support of claim 1, Applicant asserts that Broadus does not disclose or describe “*each said representation comprising one or more image frames taken from a corresponding said content item*” as recited in this claim as amended. Consequently, Broadus does not disclose all of the elements and features of this claim. Accordingly, Applicant submits that Broadus does not anticipate this claim, and respectfully requests that the rejection of this claim be withdrawn.

Amended Independent Claim 16

[0020] In light of the amendments presented herein, Applicant submits that the rejection of independent claim 16 is moot. Specifically, Broadus does not disclose at least the following features as recited in this claim (in part, with emphasis added):

“a display of the text associated with each said content item and the
frames taken from each said content item”

[0021] Claim 16 has been rejected on substantially the same basis as claim 1 (Action, p. 2). Without needlessly repeating the reasons presented above in support of claim 1, Applicant asserts that Broadus does not disclose or describe “a display of ... frames taken from each ... content item” as recited in this claim as amended. Consequently, Broadus does not disclose all of the elements and features of this claim. Accordingly, Applicant submits that Broadus does not anticipate this claim, and respectfully requests that the rejection of this claim be withdrawn.

Amended Independent Claim 30

[0022] In light of the amendments presented herein, Applicant submits that the rejection of independent claim 30 is moot. Specifically, Broadus does not disclose at least the following features as recited in this claim (in part, with emphasis added):

“receiving and recording, by a client, a plurality of content items described in an electronic program guide (EPG) and streamed from a head end to the client, wherein *the describing comprises displaying one or more image frames associated with each of the plurality of content items*”

“generating a plurality of pictorial representations, *each of the plurality of pictorial representations quantifying a current receipt and recordation progress for each corresponding content item streamed from the head end*”

[0023] Claim 30 has been rejected on substantially the same basis as claim 1 (Action, p. 2). Without needlessly repeating the reasons presented above in support of claim 1, Applicant asserts that Broadus does not disclose or describe, for example, that “*the describing comprises displaying one or more image frames associated with each of the plurality of content items*” as recited in this claim as amended.

[0024] As another example, Applicant asserts that Broadus does not disclose or describe the newly amended features of “recording, by a client, a plurality of content items described in an electronic program guide (EPG)” and “*displaying ... image frames associated with **each of the plurality of content items***” as recited in this claim. Note that the Examiner has not previously considered these newly amended features and has not cited Broadus for these newly amended features. Applicant has reviewed Broadus and asserts that Broadus does not disclose or describe these newly amended

features. Thus, on this additional basis, Applicant asserts that Broadus does not anticipate this claim.

[0025] As another example, Applicant asserts that Broadus does not disclose or describe the newly amended features of *“each of the plurality of pictorial representations quantifying a current receipt and recordation progress for each corresponding content item”* as recited in this claim, as amended. Instead, as shown above in Broadus, Fig. 5, Broadus illustrates a plurality of elements representing media programs provided by a plurality of media providers (Broadus, ¶ [0062]). Thus, on this additional basis, Applicant asserts that Broadus does not anticipate this claim.

[0026] Consequently, Broadus does not disclose all of the elements and features of this claim. Accordingly, Applicant submits that Broadus does not anticipate this claim, and respectfully requests that the rejection of this claim be withdrawn.

Amended Independent Claim 34

[0027] In light of the amendments presented herein, Applicant submits that the rejection of independent claim 34 is moot. Specifically, Broadus does not disclose at least the following features as recited in this claim (in part, with emphasis added):

“at least one content-progress indicator that ... *corresponds to a progress of receipt*, by the client, of a respective one of a plurality of content items”

“a representation of each of the plurality of content items, the *representation comprising one or more image frames taken from each of the plurality of content items*”

[0028] Claim 34 has been rejected on substantially the same basis as claim 1 (Action, p. 2). Without needlessly repeating the reasons presented above in support of claim 1, Applicant asserts that Broadus does not disclose or describe a “representation comprising one or more image frames taken from each of the plurality of content items” as recited in this claim as amended.

[0029] Additionally, Broadus does not disclose or describe a “content-progress indicator that ... *corresponds to a **progress of receipt***, by the client, of a respective one of a plurality of content items” as recited in this claim as amended. Instead, Broadus describes that (Broadus, Fig. 5 and ¶ [0063], in pertinent part, with emphasis added):

... line 508 bisects at least one displayed element 506 representing a media program into an elapsed portion 507 and a remaining portion 509. The elapsed portion 507 indicates how much of the corresponding media program has already been **broadcast**, while the remaining portion 509 indicates how much of the corresponding media program remains to be **broadcast**.

[0030] As shown in the passage above, Broadus does not disclose or describe a “content-progress indicator that ... *corresponds to a progress of receipt*, by the client, of a respective one of a plurality of content items” as recited in this claim as amended. Instead, Broadus describes elapsed and remaining portions of **broadcast** (emphasis added) media programs and not a “*progress of receipt*” as recited in this claim, as amended.

[0031] Consequently, Broadus does not disclose all of the elements and features of this claim. Accordingly, Applicant submits that Broadus does not anticipate this claim, and respectfully requests that the rejection of this claim be withdrawn.

Amended Independent Claim 39

[0032] In light of the amendments presented herein, Applicant submits that the rejection of independent claim 39 is moot. Specifically, Broadus does not disclose at least the following features as recited in this claim (in part, with emphasis added):

“the description comprising *image frames taken from each said content item*”

[0033] Claim 39 has been rejected on substantially the same basis as claim 1 (Action, p. 2). Without needlessly repeating the reasons presented above in support of claim 1, Applicant asserts that Broadus does not disclose or describe a “description comprising *image frames taken from each said content item*” as recited in this claim as amended. Consequently, Broadus does not disclose all of the elements and features of this claim.

Accordingly, Applicant submits that Broadus does not anticipate this claim, and respectfully requests that the rejection of this claim be withdrawn.

Claim 27 Is Non-Obvious Over *Broadus* in view of *Grooters*

[0034] Claim 27 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Broadus in view of Grooters. Applicant respectfully traverses the rejection.

Dependent Claim 27

[0035] Claim 27 ultimately depends from independent claim 16. As discussed above, claim 16 is allowable over the cited documents. Therefore, dependent claim 27 is also allowable over the cited documents of record for at least its dependency on an allowable base claim. Additionally, this claim may also be allowable for the additional features that it recites.

[0036] For example, the Examiner relies on Grooters for generating EPG at a head end and communicating the EPG from the head end to a client (Action, p. 13). However, Grooters does not make up for the deficiency of Broadus because Grooters does not teach or suggest “data comprising text associated with and frames taken from each of the plurality of content items” as recited in amended claim 16, from which claim 27 ultimately depends. Consequently, the combination of Broadus and Grooters does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant submits that the combination of Broadus and Grooters does not render this claim obvious, and respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims

[0037] If not already addressed individually above, in addition to its own merits, each dependent claim is allowable for at least the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0038] Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.

Respectfully Submitted,

Lee & Hayes, PLLC
Representative for Applicant

/ E. John Fain / Dated: 4/20/2009
E. John Fain(johnf@leehayes.com; 509-944-4756)
Registration No. 60960

Reviewer: Jacob S. Scott (jake@leehayes.com; x4728)
Registration No. 62806

Assistant: Megan Arnold (megan@leehayes.com; x4770)

Customer No. **22801**

Telephone: (509) 944-4756
Facsimile: (509) 323-8979
www.leehayes.com